

IN RE: PETITION FOR ZONING VARIANCE
E/S Gardenia Road, 114.22'
S8 of Cornflower Road
(9218 Gardenia Road)
11th Election District
5th Councilmanic District
Steven C. Nichols, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-71-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit open projections, specifically, a deck and a carport, to have rear yard setbacks of 8 feet and 5 feet respectively in lieu of the required 15 feet for both, and to amend the 2nd Amended Final Development Plan of "Ramblebrook II," Block C, Lot 8, to allow construction of these projections outside of the building envelope, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9218 Gardenia Road, is zoned D.R. 5.5 and is currently improved with a single family dwelling. Petitioners purchased the property 13 years ago and now propose constructing a deck to the rear of the dwelling and a carport on the side. Mr. Nichols indicated that due to the configuration of the lot and location of the existing dwelling the proposed deck and carport cannot be constructed without the requested variances and amendment to the final development plan. Petitioners spoke to all surrounding neighbors who indicated they had no objections to their plans. Mr. Nichols testified he

believes the proposed improvements will enhance the neighborhood and will have no adverse impact on the public health, safety or general welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of September, 1988 that the Petition for Zoning Variance to permit open projections, specifically, a deck and a carport, to have rear yard setbacks of 8 feet and 5 feet respectively in lieu of the required 15 feet for both, and to amend the 2nd Amended Final Development Plan of "Ramblebrook II," Block C, Lot 8, to allow construction of these projections outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the

Petitioner would be required to return, and be responsible for returning, said property to its original condition.

A. M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-8833
J. Robert Haines
Zoning Commissioner

September 21, 1988



Mr. & Mrs. Steven C. Nichols
9218 Gardenia Road
Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING
E/S Gardenia Road, 114.22' SE of Cornflower Road
(9218 Gardenia Road)
11th Election District - 5th Councilmanic District
Steven C. Nichols, et ux - Petitioners
Case No. 89-71-A

Dear Mr. & Mrs. Nichols:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A. M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.b. 301.1. 504 (V.B.5.b.CMDF) To permit open projections (deck & carport) with rear yard setbacks of 8 ft. & 5 ft. respectively in lieu of the required 15 ft. and to amend the 2nd Amended Final Development Plan of "Ramblebrook II," Block C, Lot 8, to allow construction of these projections outside of the building envelope.

The Petitioners are petitioning for the following reason: (Indicate hardship or practical difficulty)

1. The applicant cannot make reasonable use of his property in construction of a deck and carport.
2. The subject property in contrast to other properties in the zoning district prevents construction of a deck and carport.
3. Hardship was not the result of the applicant's own actions. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature

Legal Owner(s):
Steven C. Nichols
(Type or Print Name)
Signature

Address
City and State

Catherine Nichols
(Type or Print Name)
Signature

City and State

Attorney for Petitioner:
(Type or Print Name)
Signature

9218 Gardenia Road 256-1183
Address Phone No.
Baltimore Maryland 21236
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Steven C. Nichols
Name
9218 Gardenia Road 256-1183
Address Phone No.

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of September, 1988, at 4:30 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS (over)

ALL OTHER
REVISED BY DATE 6-21-88

Located on the West side of Gardenia Rd. in the subdivision Ramblebrook II, Lot 8 as recorded in the Land Records of Baltimore County in Plat book 36 folio 50. Also known as 9218 Gardenia Rd.

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug. 25, 1988.

THE JEFFERSONIAN,

S. Zetzel
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 11th Date of Posting 9/21/88

Posted for Variances

Petitioner: Steven C. Nichols, et ux

Location of property: E/S Gardenia Rd, 114.22' SE of Cornflower Rd

9218 Gardenia Rd

Location of Sign: Posting Gardenia Rd, across Rd. From Lot 8

Remarks: On Rd. front of Pet. home

Posted by M. Haines Date of return: 9/1/88

Number of Signs: 1

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy,
Columbia, MD 21044

August 30, 1988

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:

- | | |
|---|---|
| <input type="checkbox"/> Catonsville Times | <input type="checkbox"/> Booster Weekly |
| <input type="checkbox"/> Art-Tus Times | <input type="checkbox"/> Owings Mills Flier |
| <input checked="" type="checkbox"/> Reporter Weekly | <input type="checkbox"/> Towson Flier |

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 27 day of August, 1988, that is to say, the same was inserted in the issues of

August 25, 1988

PATUXENT PUBLISHING COMPANY

By J. Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 9/15/88

Mr. & Mrs. Steven C. Nichols
9218 Gardenia Road
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 89-71-A
ES Gardenia Road, 114.22' SE Corner of Road
(9218 Gardenia Road)
11th Election District - 5th Councilmanic
Petitioner(s): Steven C. Nichols, et ux
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 2:30 p.m.

Dear Mr. & Mrs. Nichols:

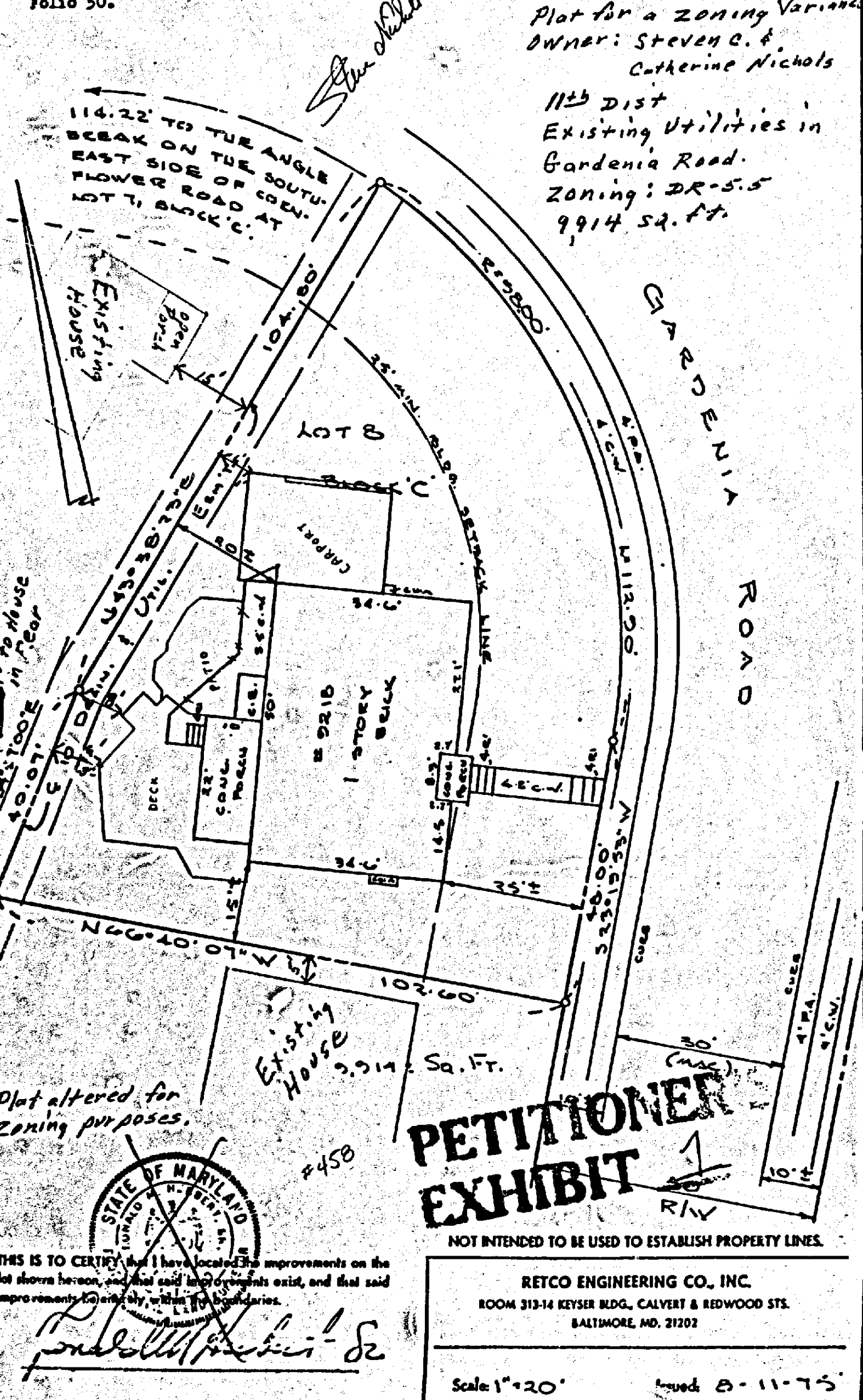
Please be advised that \$94.73 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 213-24, 11th Floor, on the day of the hearing, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059118
DATE: 9/20/88 ACCOUNT: 601-615-000
AMOUNT: \$94.73
RECEIVED FROM: Steven C. Nichols
Signature: [Signature]
B 103*****947318 89-71-A
VALIDATION ON SIGNATURE OF CASHIER

Plot showing property known as 9218 Gardenia Road, Baltimore County, Maryland. Also known as Lot 8, Block C, as shown on a Plat entitled "Ramblebrook II, which Plat is recorded among the Land Records of Baltimore County in Plat Book 36, Folio 50.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 26, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-71-A
ES Gardenia Road, 114.22' SE Corner of Road
(9218 Gardenia Road)
11th Election District - 5th Councilmanic
Petitioner(s): Steven C. Nichols, et ux
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 2:30 p.m.

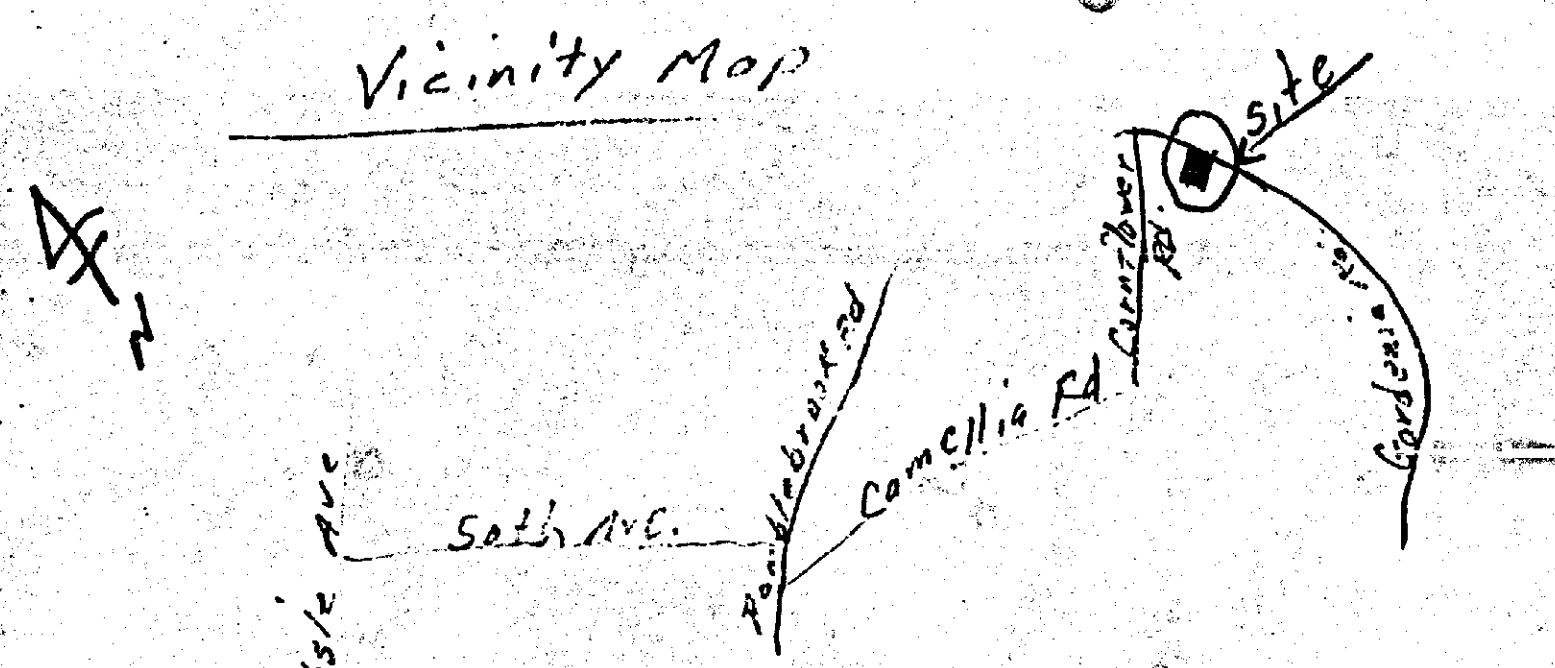
Variance to permit open projections (deck and carport) with rear yard setbacks of 8 ft. and 5 ft. respectively in lieu of the required 15 ft. and to amend the 2nd Amended Final Development Plan of "Ramblebrook II, Block C, Lot 8" to allow construction of these projections outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Steven C. Nichols, et ux
File

Vicinity Map



89-71-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 26th day of July, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: Steven C. Nichols, et ux
Petitioner's: [Signature]
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

Date: August 30, 1988

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Advisory Committee Comments

Nichols Property - No. 458 - Zoning Petition 89-71-A

The Office of Planning and Zoning has no comment regarding this request.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

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CASE NUMBER: 89-71-A
ES Gardenia Road, 114.22' SE Corner of Road
(9218 Gardenia Road)
11th Election District - 5th Councilmanic
Petitioner(s): Steven C. Nichols, et ux
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 2:30 p.m.

Variance to permit open projections (deck and carport) with rear yard setbacks of 8 ft. and 5 ft. respectively in lieu of the required 15 ft. and to amend the 2nd Amended Final Development Plan of "Ramblebrook II, Block C, Lot 8" to allow construction of these projections outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

July 15, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Steven C. Nichols, et ux

Location: E/S Gardenia Rd., 114.22' SE of Cornflower Rd.,
9218 Gardenia Road

Item No.: 458

Zoning Agenda: Meeting of 7/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are proposed, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 7-15-88
Planning Group
Special Inspection Division

Noted and
Approved: [Signature]
Fire Prevention Bureau

7/1

J. Robert Haines
Zoning Commissioner

Please do not schedule our hearing between September 12th thru 16th.

Our Item # 458. We do not have a case number yet.

Thank you very much,
Katie Nichols

Steven C. Nichols

Catherine Nichols

9218 Gardenia Rd.

Baltimore, Md. 21236

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 8, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Steven C. Nichols
9218 Gardenia Road
Baltimore, Maryland 21236

RE: Item No. 458 - Case No. 89-71-A
Petitioner: Steven C. Nichols, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Nichols:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

July 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number

(458) 459, 460, 462, 464, 465, 467, 468, 470, and 471.

Very truly yours,

Stephen E. Weber, P.E.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/cps

RECEIVED